

April 23, 2010

Subject: Warm Springs Extension Project  
Line, Track, Station, and Systems Contract No. 02EE-120Q  
Request For Qualifications (RFQ)  
Explanations to Potential Design-Build Enterprise (PDBE) Questions (Set 1)

PDBEs:

The following is in response to PDBE questions in connection with the above-referenced RFQ. These explanations do not constitute an addendum to the RFQ Documents.

Q1. Section 16.9, Heavy and Highway Subcontractors

As Design Builder and General Contractor, we plan to self-perform the majority of the Heavy and Highway Work, however certain portions of this work will be subcontracted, such as the asphalt paving and concrete flatwork. If we submit prequalification questionnaires for potential subcontractors with our RFQ response, will that eliminate the opportunity to solicit bids from unprequalified subcontractors during the five month RFP stage? We are concerned that this may preclude the use of as yet unidentified DBE/MBE/WBE businesses and could potentially limit the ability to provide the most competitive pricing for this public works project.

A1. All Heavy and Highway Subcontractors must be prequalified. The Design Builder may prequalify multiple alternative heavy and highway subcontractors, and later competitively bid out the subcontracts to those prequalified.

Q2. WE, [PDBE], are not a registered DBE. But we are an MBE certified by many county and city agencies in the State. Since neither CUCP (BART) nor Caltrans will certify us as an MBE for the DB Warm Springs, what options do we have to pursue the subject contract as an MBE?

A2. To pursue the LTSS contract as an MBE, a firm must be certified by BART or CUPC as an MBE firm. Certification documents can be found on the BART Website.

Q3. I work for a structural engineering company in the Bay Area and we are interested in participating in the new Warm Springs Extension project. Our understanding is that there is a 15% MBE availability percentage for Design. We are currently a MBE certified with the California PUC (see attached certificate) and we were wondering if this certification is sufficient in documenting our MBE eligibility for this project, or if BART has their own MBE certification program. Any guidance you could provide would be appreciated.

A3. MBE availability percentage for design as stated in the RFQ is 16%. We do not accept certification from the California Public Utilities Commission (CPUC) and yes BART does its own certification, documents can be found on the BART Website. BART will also accept California Unified Certification Program (CUCP) certification.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. B. Gunawardena".

Sunni Gunawardena  
Contract Administrator